

## REMARKS

The disclosure was objected to under 37 CFR 1.71 on April 3, 2009 because it was incomprehensible as to preclude a reasonable search of the prior art by the examiner. The specification was prone to an error and has been corrected.

In page 4, lines 5-11, figs. 4 a&b is illustrated a dual injection technique for the grommet comprising the part 1A being injected with a non-thermoplastic rubber, the part 1B being injected with elastomer such as Trefsin.

The correction is based on the support found on page 3, lines 37-33, Fig. 2 is described a grommet of the invention comprising a part 1A being non-thermoplastic rubber and a part 1B being thermoplastic material.

Figures 1a and 1b have been designated by a Prior art legend. Corrected drawings are in compliance with 37 CFR 1.121(d), see "Replacement Sheet".

Claims 1, 10, 11, 15 and 16 were rejected under 35 U.S.C.102(b) as being anticipated by Soffer et al. (2,831,618 – note correction). Independent claim 1 has been amended to recite the grommet "disposed around a central stem of the valve". It is submitted that the subject matter is now distinctly claimed. Support for the amendment can be found on page 3, lines 19 and 20. Fig. 2 shows the grommet 1 disposed around the central stem 4 of the valve.

In Soffer, as discussed in Office Action of June 24, 2009, a valve for a container and adapted to be in contact with the container and the contents of the container comprising a grommet disposed around the stem 22 of the valve is disclosed. It is submitted that the cited reference does not suggest nor disclose "a grommet disposed around a central stem of the valve, the grommet having at least one part made of non-thermoplastic rubber adhering to another part made of a thermoplastic material, wherein said another part is located such as to be, at least partly, in contact with the content of the container".

Polyurethane formed due to moisture uptake (diffusion) inside the can or vessel sticks against the grommet and/or the stem. Once the first layer of PU is formed on the grommet on the face inside the can or vessel, the sealing properties of the valve are diminished and make the valve subject to blocking and/or leaking. The grommet in the present invention is designed so as to provide a dual function, namely, being moisture resistant and provide the required snappiness. The dual function is coupled to the specific use of a grommet having at least one part made of non-thermoplastic rubber adhering to another part made of a thermoplastic material, wherein said another part is located such as to be, at least partly, in contact with the content of the container. Thus the grommet of the present invention is provided with a regular rubber part exhibiting the required snappiness and a thermoplastic part which is moisture repellent and therefore will inhibit the water penetration which otherwise would cause stickiness and blockage of the valve.

The reference discloses a grommet molded of a suitable natural or artificial rubber compound. The nipple 28 and the valve stem 21 are preferably molded of some hard rigid plastic. However, it is clear that the nipple 28 in the reference does not form an integral part to form a single grommet, nor does the nipple 28 provide a sealing function against moisture uptake. Further, it is stated in the reference that the choice of the materials of the grommet and the nipple is made to avoid corrosion. The present invention, however, has disclosed a grommet having at least one part made of non-thermoplastic rubber exhibiting the required snappiness and adhering to another part made of a thermoplastic material, said another part at least partly, in contact with the content of the container and thus required to be moisture repellent. The grommet will therefore inhibit the water penetration which causes stickiness and blockage of the valve.

Claims 1, 10, 11, 15 and 16 were rejected as anticipated by Soffer et al. It is submitted that the cited reference does not suggest nor disclose "a grommet disposed around a central stem of the valve". The reference discloses a grommet and a nipple which is inserted within the flexible annular skirt and pressed so that its upper rim seats within the annular groove of the seal. The nipple is not part of the grommet. The

reference does not describe all of the features recited in claim 1 and allowance of claim 1 is respectfully requested.

Claims 4 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soffer et al. Claim 4 is directed to specific materials preferably used for the grommet. A grommet such as the grommet present in the present invention, which is especially designed to provide a sealing function, while at the same time provide the require snappiness and being moisture repellent, therefore having at least one part made of non-thermoplastic rubber adhering to another part made of a thermoplastic material, wherein said another part is located such as to be, at least partly, in contact with the content of the container is not defined in the reference. Further, no reference is made to the specific choice and combination of materials as described in the present invention.

In regard to claim 17, Soffer et al. does not disclose the grommet formed of a non-thermoplastic rubber adhering to the thermoplastic material (specification of applicant page 3, lines 14-15) as a single grommet. Soffer did not suggest the grommet being made of two parts having the specific configuration and material choice as disclosed in the present invention. Furthermore, there is far more involved here that the mere "forming in one piece an article which has formerly formed in two pieces" (Howard v. Detroit Stove Works) as a new and useful effect has been created.

Accordingly, allowance of claims 4, 5-8 and 15-17 is respectfully requested.

It is submitted that claim 4 is dependent on valid claim 1 and therefore is also patentable.

It is submitted that claims 5-8 being dependent on valid claim 1 are also patentable.

It appears that all matters have been addressed satisfactorily and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07(d) and (j), for putting the case in condition for final allowance, he is respectfully urged to contact the undersigned attorney-of-record at the telephone number

below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,

Sept 23, 2009  
Date

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#### CERTIFICATE OF MAILING

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